



Public Notice

**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

**Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-CO-F
1222 Spruce Street
St. Louis, Missouri 63103-2833**

Public Notice No.

P-2413

Public Notice Date

April 1, 2004

Expiration Date

April 16, 2004

Postmaster Please Post Conspicuously Until:

File Number: 2001-02240

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Rob Gramke

APPLICANT: Mr. Joe Vitale, 9606 Mill Hill Lane, St. Louis Missouri 63127.

AGENT: Mr. Martin Schamber, NPN Environmental Engineers, Inc., 927 Horan Drive, Fenton, Missouri 63026, (636) 343-1300.

LOCATION: The proposed project is located near the end of County Road 823 in Parts of Section 33 and 34, Township 31 North, Range 8 East, Madison County, Missouri.

PROJECT DESCRIPTION: In April of 2001, the U.S. Army Corps of Engineers issued a Cease and Desist Order to Mr. Vitale for impacts to Trace Creek and adjacent wetlands in connection with the construction of a large recreational lake. The confirmed violation of Section 404 of the Clean Water Act was submitted to the U.S. Environmental Protection Agency (USEPA) for resolution. The applicant agreed to pay a fine and to implement a Mitigation Plan that was reviewed and approved by the Missouri Department of Natural Resources, the U.S. Army Corps of Engineers, the Missouri Department of Conservation, and the USEPA. In order to complete the construction of the dam and the mitigation sites, the applicant must obtain a Section 404 Permit from this office. The proposed project includes the construction of a dam across Trace Creek, which will have a top width of 15 feet and a length of 600 feet. The height of the dam will be 43 feet high with 3h:1v side slopes. Surface areas of the various project features include: Dam-2.4 acres, Spillways- 2.5 acres, Constructed

Wetland- 2.0 acres, Lake at Normal Pool- 40.0 acres, Lake at Peak Stage- 90.0 acres. The design and construction of the dam has been approved by the Missouri Dam and Reservoir Safety Program.

In conjunction with the dam construction, a wetland and stream mitigation plan will be implemented. The plan includes the construction of a wetland upstream of the dam, and an enhanced forested riparian corridor along trace creek within the Vitale property downstream of the dam. Deed Restrictions will be placed on the mitigation area to prevent future impacts to the area. Best management Practices and erosion control measure will be implemented during construction. Trace Creek is a tributary to the Castor River, which flows into the Little River Diversion Channel that is a tributary to the Mississippi River.

LOCATION MAPS AND DRAWINGS: See attached.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Rob Gramke, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8187. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to robert.gramke@mvs02.usace.army.mil.

AUTHORITY: This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

WATER QUALITY CERTIFICATION: The project plans have been submitted to the Missouri Department of Natural Resources, Water Pollution Control Program for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification is requested as of the date of this Public Notice, and if issued, will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Pollution Control Program, Post Office Box 176, Jefferson City, Missouri 65102-0176, with a copy provided to the Corps of Engineers.

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

ENDANGERED SPECIES: A preliminary determination, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. In order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may require a reconnaissance survey of the project area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will

reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people.

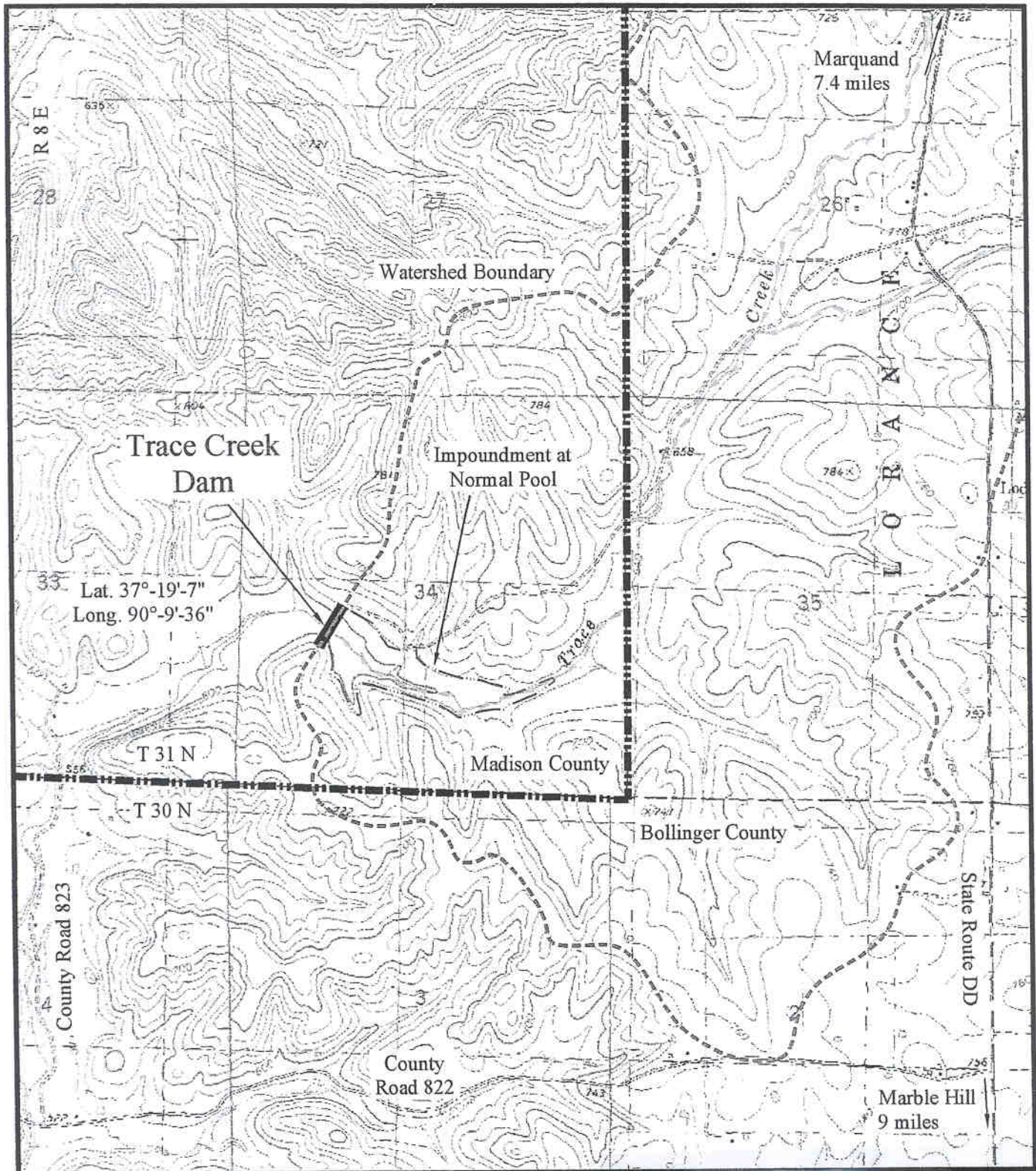
SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

DANNY D. MCCLENDON
Chief, Regulatory Branch

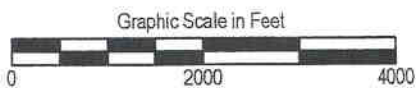
Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 15 days from the date of this issuance of this notice.



Adapted from Allbright, MO USGS
7.5 minute Quadrangle Map (1980)

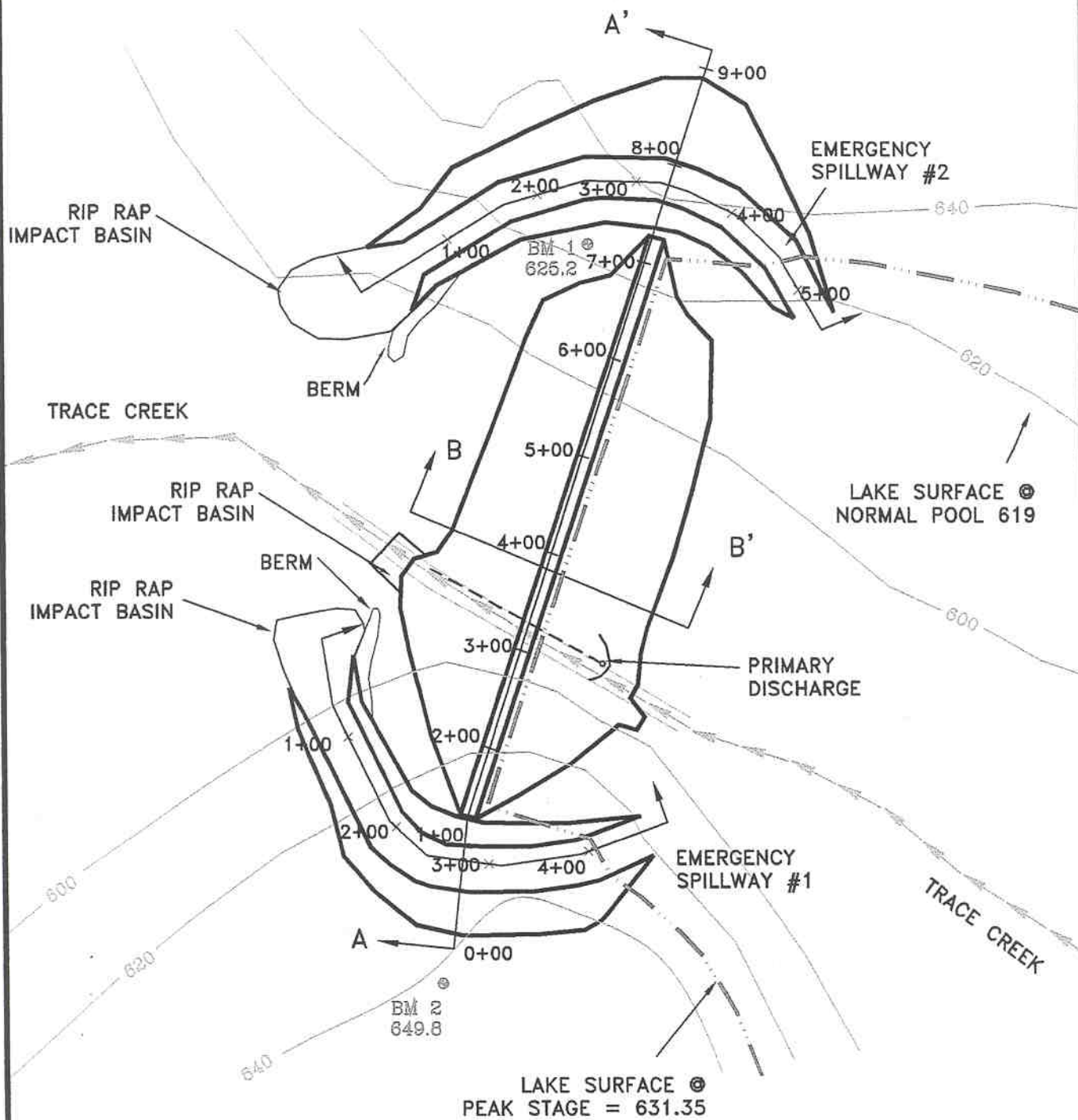


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Vicinity Map

Trace Creek Dam - Madison County, MO

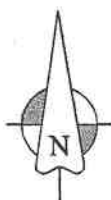
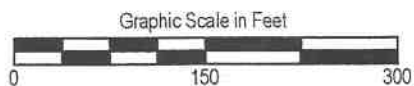
Project No.	Date	Scale	Drawn By:	Checked By:
C-01095	2/04	AS SHOWN	MWS	



BENCHMARKS

BM-1: NAIL AT BASE OF TREE

BM-2: NAIL AT BASE OF UTILITY POLE

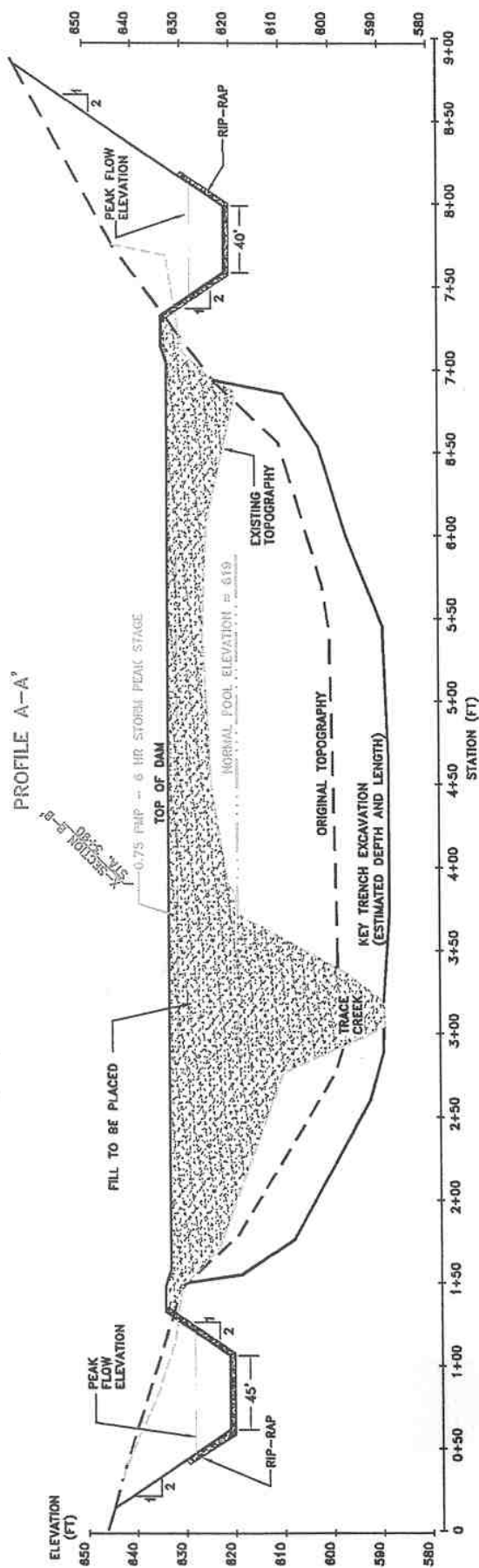


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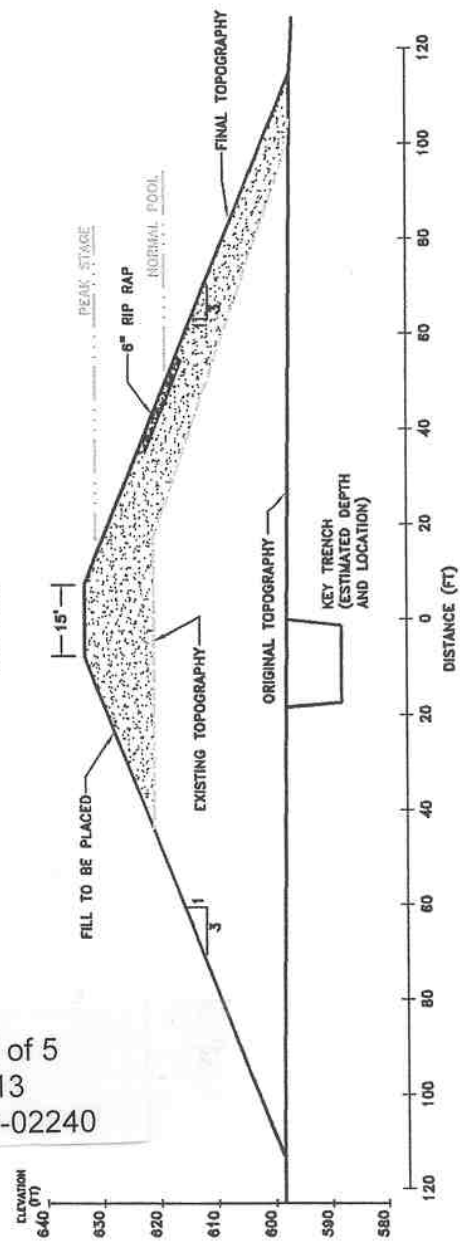
Plan View

Trace Creek Dam - Madison County, MO

Project No.	Date	Scale	Drawn By:	Checked By:
C-01095	204	AS SHOWN	MWS	



CROSS SECTION B-B'
STA. 3+90



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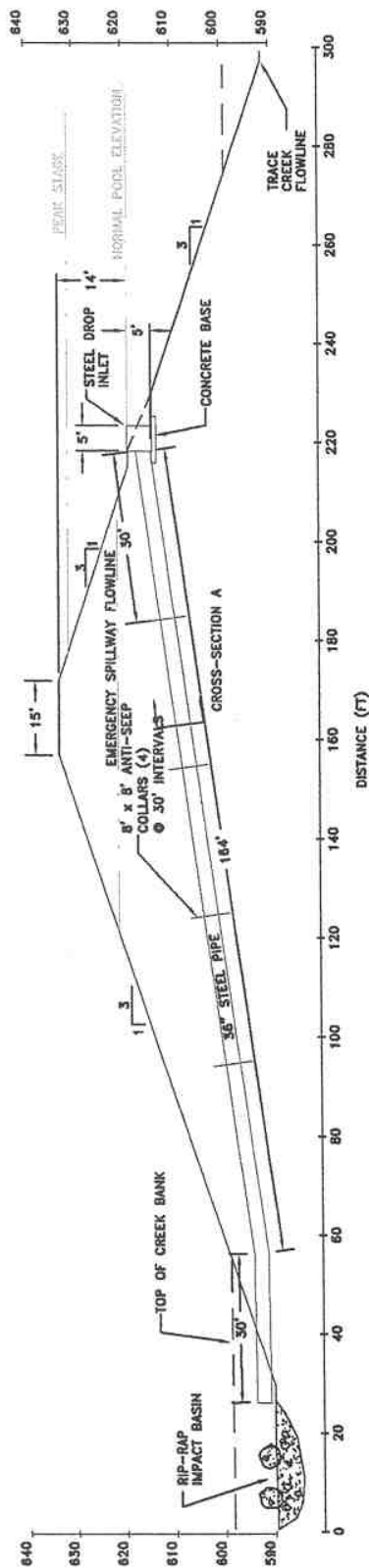


FIGURE 3
Cross Section View
Embankment

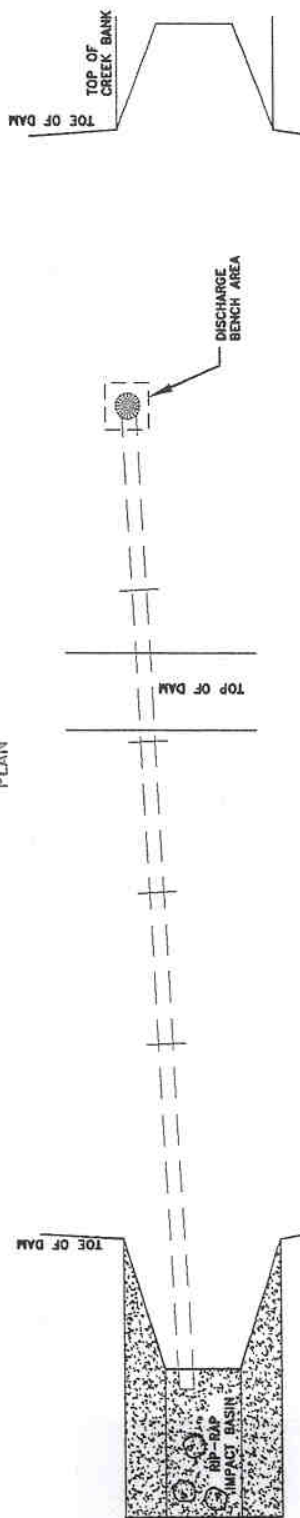
Trace Creek Dam - Madison County, MO

Project No. C-01095	Date 2004	Scale AS SHOWN	Drawn By: MWS	Checked By:
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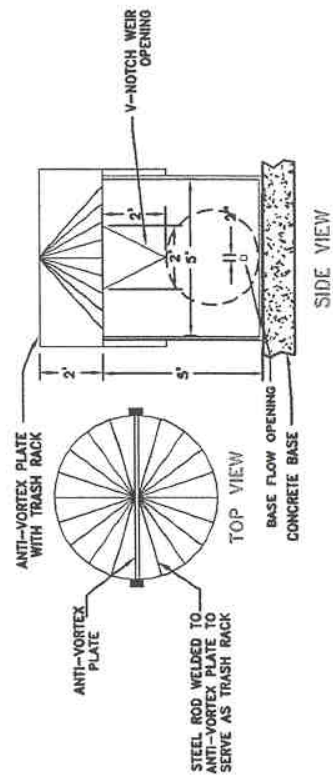
PROFILE



PLAN



DROP INLET DETAIL



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FIGURE 4
Plan & Cross Section View
Discharge Structure

Trace Creek Dam - Madison County, MO

Project No. C-01095	Date 204	Scale AS SHOWN	Drawn By MWS	Checked By
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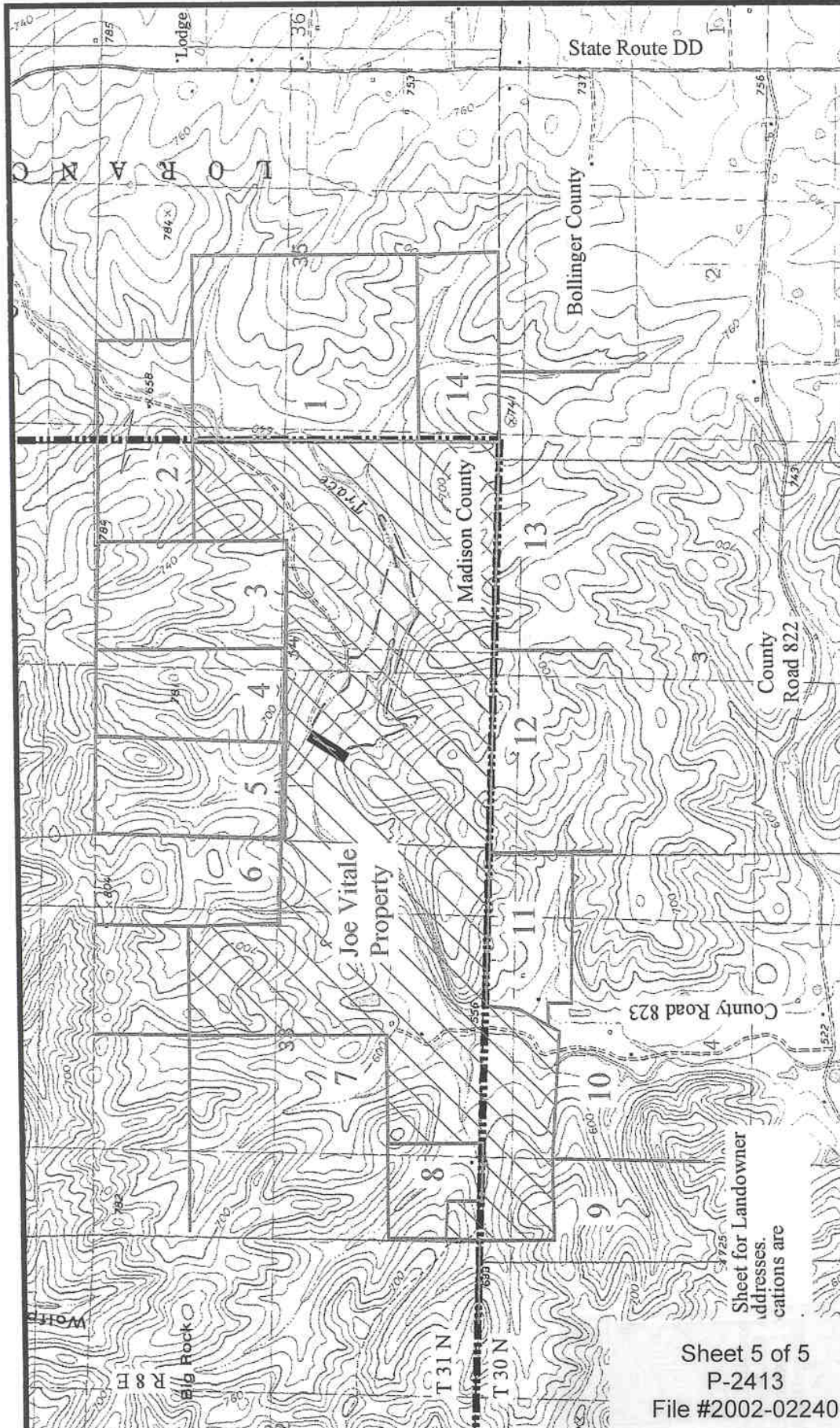
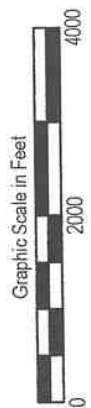
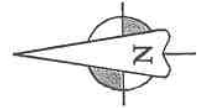


FIGURE 5
Property Map

Adapted from Allbright, MO USGS
7.5 minute Quadrangle Map (1980)



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